

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Abrams

PLAINTIFFS

Harbinger Capital Partners LLC, HGW US Holding Company LP, Blue Line DZM Corp., and Harbinger Capital Partners SP, Inc. (collectively, "Harbinger")

DEFENDANTS

Charles W. Ergen, EchoStar Corporation, Dish Network Corporation, L-Band Acquisition LLC, SP Special Opportunities LLC, Special Opportunities Holdings LLC, Sound Point Capital Management LP, and Stephen Ketchum

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kasowitz Benson Torres & Friedman LLP, 1633 Broadway, New York, NY
10019 (212)506-1700

ATTORNEYS (IF KNOWN)

Willkie Farr & Gallagher LLP, 787 Seventh Ave., New York, NY 10019 (212) 728-8000; Sullivan & Cromwell LLP, 125 Broad St., New York NY 10004 (212) 558-4000; O'Melveny & Myers LLP, 7 Times Sq., New York, NY 10036 (212)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy appeal pursuant to 28 U.S.C. 158 of dismissal of adversary proceeding asserting causes of action for fraud, aiding abetting fraud, unfair competition, tortious interference, conspiracy, disallowance under 28 U.S.C. 502, and equitable disallowance.

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned ☐

If yes, was this case Vol. ☐ Invol. ☒ Dismissed. No ☐ Yes ☒ If yes, give date **November 14, 2013** & Case No. **S.D.N.Y. Bankr. 13-1390 (SCC)**

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[X] 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	28 USC 158	REAPPORTIONMENT
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881	28 USC 157	[] 430 BANKS & BANKING
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 630 LIQUOR LAWS		[] 450 COMMERCE
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	PROPERTY RIGHTS	[] 460 DEPORTATION
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 830 PATENT	[] 480 CONSUMER CREDIT
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 690 OTHER	[] 840 TRADEMARK	[] 490 CABLE/SATELLITE TV
[] 190 OTHER CONTRACT			LABOR	SOCIAL SECURITY	[] 810 SELECTIVE SERVICE
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES		[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 196 FRANCHISE	CIVIL RIGHTS	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 875 CUSTOMER CHALLENGE
	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 863 DIWC/DIWW (405(g))	12 USC 3410
REAL PROPERTY	[] 442 EMPLOYMENT	[] 530 HABEAS CORPUS	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS
[] 210 LAND CONDEMNATION	[] 443 HOUSING/ACCOMMODATIONS	[] 535 DEATH PENALTY	[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS
[] 220 FORECLOSURE	[] 444 WELFARE	[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC SECURITY ACT	FEDERAL TAX SUITS	[] 892 ECONOMIC STABILIZATION ACT
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT			[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES - OTHER	PRISONER CIVIL RIGHTS	IMMIGRATION	[] 871 IRS-THIRD PARTY	[] 894 ENERGY ALLOCATION ACT
[] 245 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION	26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT
[] 290 ALL OTHER REAL PROPERTY		[] 555 PRISON CONDITION	[] 463 HABEAS CORPUS-ALIEN DETAINEE		[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
			[] 465 OTHER IMMIGRATION ACTIONS		[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$	in excess of \$2 billion	OTHER	Disallowance	JUDGE	DOCKET NUMBER
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Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Harbinger: 450 Park Ave. New York, NY 10022 (New York County).

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Charles W. Ergen, SP Special Opportunities LLC, and Special Opportunities Holdings LLC: 787 7th Avenue, New York, NY 10019
EchoStar Corporation, Dish Network Corporation, and L-Band Acquisition Corp.: 125 Broad Street, New York, NY 10004
Sound Point Capital Management LP, and Stephen Ketchum: Times Square Tower, 7 Times Square, New York, NY 10036

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/7/2014 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 07 Yr. 1999)

Attorney Bar Code # JB-2517

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)